

NOV 24 1969 RECD

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United States Senate

COMMITTEE ON FOREIGN RELATIONS

WASHINGTON, D.C. 20510

CARL MARCY, CHIEF OF STAFF
ARTHUR M. KUHL, CHIEF CLERK

November 18, 1969

Professor Matthew Meselson
American Academy of Arts and Sciences
280 Newton Street
Brookline Station
Boston, Massachusetts 02146

Dear Professor Meselson:

I have your letter of November 12 enclosing a copy of the proceedings of the CBW conference sponsored by the American Academy and the Salk Institute.

This document is an outstanding contribution to the growing body of public information on these complex questions. It is particularly valuable to those of us in the Congress who are concerned over the dangers and implications of this country's past CBW policies. I hope the proceedings will receive the wide circulation which they deserve.

In this connection, let me thank you again for the very valuable testimony you presented to the Foreign Relations Committee earlier this year.

Sincerely yours,


J. W. Fulbright
Chairman

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November 18, 1969

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American Academy of Arts and Sciences
280 Newton Street
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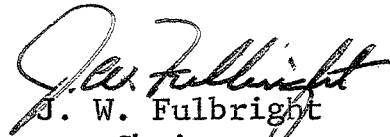
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Sincerely yours,


J. W. Fulbright
Chairman

*American Association
for the Advancement of Science*

1515 MASSACHUSETTS AVENUE, NW, WASHINGTON, D. C., 20005

Phone: 387-7171 (Area Code 202) Cable Address: Advancesci, Washington, D. C.

January 20, 1971

The Honorable J. W. Fulbright
United States Senate
Washington, D. C. 20510

My dear Senator Fulbright:

At its recent Annual Meeting, the Council of the American Association for the Advancement of Science passed the attached resolution concerning the use of antiplant chemicals in Indochina.

It took special note of, and was greatly reassured by, the recent decision by the Armed Forces to discontinue the use of these compounds in the very near future.

Sincerely yours,

William Bevan
Executive Officer

WB:avg

Enclosure

cc: Matthew Meselson

J. W. FULBRIGHT, ARK., CHAIRMAN

JOHN SPARKMAN, ALA.
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CARL MARCY, CHIEF OF STAFF
ARTHUR M. KUHL, CHIEF CLERK

United States Senate

COMMITTEE ON FOREIGN RELATIONS

WASHINGTON, D.C. 20510

January 29, 1971

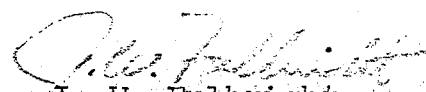
Mr. Charles Hightower
Washington Director
American Committee on Africa
711 14th Street, N.W.
Washington, D. C. 20005

Dear Mr. Hightower:

Thank you for your letter and enclosures of January 25 concerning an allegation by the Movimento Popular de Libertacao de Angola on the use of herbicides in Angola by the Portuguese. I share your concern over this matter. It is my intention to see that the use of herbicides is fully examined by the Foreign Relations Committee in the course of hearings on the Geneva Protocol.

I appreciate your taking the time to write to me about this matter.

Sincerely yours,


J. W. Fulbright
Chairman

American Committee on Africa



164 Madison Avenue • New York, N. Y. 10016 • (212) 532-3700 • Cable AMCOMMAF

Washington Office: 11 14th Street, N. W., Washington D.C. 20005 • (202) 638-0835
Chicago Office: 1514 South Albany, Chicago, Illinois 60623 • (312) 762-1821

February 2, 1971

Dr. Matthew S. Meselson
Department of Biology
Harvard University
Cambridge, Massachusetts

Dear Dr. Meselson:

Pursuant to our conversation this date, I am enclosing a copy of the letter received from Senator J.W. Fulbright concerning the use of herbicides in Angola.

Attached find a copy of my letter to the Senator of January 25th which enclosed your report on the assessment of herbicides used in Vietnam and reports on such use by the Portuguese in Angola.

Our Committee is faced with a rather difficult task in confirming the MPLA allegations in time for the Fulbright hearings. There is sufficient evidence already available, however, to indicate the use of herbicides in Angola. Our concern is to discover the kinds of such chemicals employed and their source of manufacture. All signs seems to point to the celebrated Dow Chemical company.

It does seem likely that Senator Fulbright will ask you to testify as an expert witness on the effects of herbicides generally. I will keep you informed of developments from this end.

Sincerely yours,

Charles Hightower
Washington Director

CH:lb

2 Encl (s)

January 25, 1971

Senator J. M. Fulbright
United States Senate
1215 New Senate Office Building
Washington, D. C. 20515

Dear Senator Fulbright:

Reference is made to the final report of the Herbicide Assessment Commission for the American Association for the Advancement of Science on the subject of the effects of such chemicals on the land and the peoples of South Vietnam.

Recently, I spoke to Dr. Matthew S. Meselson of Harvard University and chairman of the herbicide commission concerning reports received by my office that the Portuguese have employed similar chemical defoliants and herbicides in Angola.

Accordingly, I am enclosing for your attention these reports on the use of herbicides in Angola by the Portuguese which include an allegation by the Movimento Popular de Libertacao de Angola (MPLA) that at least one of these chemicals, picloram, is manufactured by Dow Chemical Company, with the commercial name of Tordon.

Sincerely yours,

Charles Hightower
Washington Director

CH:lb

6 Encl (s)

100 Maryland Avenue, N.E., Washington, D.C. 20002
xx

October 28, 1971

The Honorable J. W. Fulbright
United States Senate
Washington, D.C. 20510

Dear Bill:

It has just come to my attention that the Thieu government in South Vietnam has been permitted to retain several hundred thousand gallons of herbicides--a sufficient amount to spray from 100,000 to 200,000 acres, depending upon concentration. Moreover, the South Vietnamese forces are continuing to use herbicides as a weapon of war, though President Nixon recently announced a "phase out" of such warfare.

With kindest personal regards,

Albert-Gore
Washington Chairman

AG:bas

HARVARD UNIVERSITY
THE BIOLOGICAL LABORATORIES
16 DIVINITY AVENUE
CAMBRIDGE, MASSACHUSETTS 02138

17 February 1972

The Hon. J.W. Fulbright
United States Senate
Washington, D.C.

Dear Senator Fulbright,

I am very sorry that I had to cancel my appointment with you on Monday the 14th of February. As you probably gathered, I had hopes of finding some way to get the Administration moving on the Geneva Protocol and wanted your advice on a particular approach I had in mind. However, after some preliminary discussion the whole effort has come to a halt, which I hope will be only temporary. In view of that, I thought it would be wasteful of your time for me to keep the appointment. I hope you will be willing to discuss the matter with me if and when the outlook for getting something done looks more hopeful.

I enclose for your possible interest a memo regarding past U.S. policies on tear gas in war. I gave a slightly different draft to your Committee staff last March but it may not have reached you. We were quite surprised upon studying the record to learn that the U.S. has opposed the use of tear gas in war from the early twenties until well into the Vietnam War.

With kind regards.

Respectfully yours,

Matthew Meselson
Professor of Biology

MM:mm
encl: 1



American Chemical Society

OFFICE OF THE
PRESIDENT

Alan C. Nixon, *President*

1155 SIXTEENTH STREET, N.W.
WASHINGTON, D.C. 20036
Phone (202) 872-4600

September 17, 1973

The Honorable J. William Fulbright
Chairman
Committee on Foreign Relations
United States Senate
Washington, D.C. 20510

Dear Senator Fulbright:

In a September 15, 1970 letter addressed to you from the 1970 President of the American Chemical Society, Dr. Byron Riegel, the actions of the Society's Board of Directors and Council with regard to ratification of the Geneva Protocol of 1925 were enumerated. The resolution that reversed the long-standing opposition of the American Chemical Society to ratification of the Geneva Protocol of 1925 passed the Board of Directors on September 13, 1970 and the Council on September 15, 1970. It reads as follows:

WHEREAS the Board of Directors and the Council of the American Chemical Society at its 160th National Meeting in Chicago, September 13-18, 1970, thoroughly considered the Geneva Protocol relative to Chemical and Biological Warfare and the position of the President of the United States recently requesting Senate ratification of same, now therefore:

BE IT RESOLVED That the Board of Directors and Council of the American Chemical Society support the recent action of the President of the United States in submitting to the United States Senate for ratification the Geneva Protocol of 1925 prohibiting the use of asphyxiating, poisonous or other gases, and of bacteriological methods of warfare, and urge the United States Senate to ratify the Protocol; the Board of Directors and Council of the American Chemical Society note further that this resolution supersedes a contrary resolution on the Geneva Protocol which was adopted by the Council of the American Chemical Society on August 3, 1925.

That resolution, of course, supports President Richard M. Nixon's submission of the Geneva Protocol of 1925 for the advice and consent of the Senate to ratification. Since the Geneva Protocol was transmitted with the report of the Secretary of State which set forth understandings and a

September 17, 1973

reservation with respect to the Protocol, the ACS Joint Board-Council Committee on Chemistry and Public Affairs deliberated at several executive sessions earlier this year on whether the Society had gone far enough in that resolution. The renewed interest of the Committee on Chemistry and Public Affairs on behalf of the Society was prompted especially by President Richard M. Nixon's understanding that the Protocol does not prohibit the use in war of riot-control agents and chemical herbicides, or of weapons utilizing smoke, flame or napalm.

During its deliberations, the ACS Committee on Chemistry and Public Affairs reviewed your letter of April 15, 1971 to President Richard M. Nixon on behalf of the Senate Committee on Foreign Relations which followed hearings on the Protocol in March 1971 and requested that the President reconsider the Administration's interpretation that the Protocol does not prohibit the use of tear gas and herbicides in warfare. Attention eventually focused on endorsement of Senate Resolution 48, reintroduced by Senator Hubert H. Humphrey, as a means of both clarifying the Society's position with regard to the Protocol and encouraging a reinterpretation of the Administration's position. Thus, the Board of Directors of the American Chemical Society took the following action at its meeting on June 1, 1973:

VOTED, with one dissent, on recommendation of the Committee on Chemistry and Public Affairs, that the American Chemical Society endorse Senate Resolution 48, a resolution to register the support of the United States Senate for approval without qualification the Geneva Protocol on the use of chemical and biological weapons in warfare, thus reaffirming the Society's support in 1970 of ratification of the Geneva Protocol, but without the reservations then expressed in the Administration's recommendation.

Subsequently, at its meeting on Tuesday, August 28, 1973, the Council of the American Chemical Society endorsed the June 1, 1973 action of the Board of Directors with regard to Senate Resolution 48.

I wish to express to you and the Senate Committee on Foreign Relations the interest of the American Chemical Society in any forthcoming hearings on Senate Resolution 48, which we understand are now pending before the Subcommittee on Arms Control, International Law and Organization. It is the Society's hope that there will be an opportunity at those hearings to present a detailed policy statement on ratification of the Geneva Protocol of 1925 in support of the passage of Senate Resolution 48.

I would like to add that the Society's interest in chemical and biological weaponry is not restricted to the Geneva Protocol of 1925. The ACS Committee on Chemistry and Public Affairs has begun initial planning jointly with the Scientists' Committee on Chemical and Biological Warfare for a symposium on the broad issues involving chemical and biological weaponry. The symposium will be a part of a continuing program of symposia and public affairs topics to be held

September 17, 1973

at the Society's National Meetings, and is to be held at the 167th National Meeting in Los Angeles, California in the spring of 1974.

So that you might place the actions of the American Chemical Society in proper perspective, I should mention that it is a member organization, with no chemical or other companies as members, consisting of approximately 109,000 individual chemists and chemical engineers reflecting a broad spectrum of engagement in academic, governmental and industrial professional pursuits. About 70% of our members are employed by industry, about 20% by academic institutions, and 10% by government and nonprofit institutions. The American Chemical Society was founded in 1876 and chartered by an act of Congress in 1937 as a nonprofit, scientific and educational organization. Its Federal incorporation replaced a New York State Charter which had been effective since November 9, 1877. Under its National Charter the Society is charged with the responsibility to work for the advancement, in the broadest and most liberal manner, of chemistry, "thereby fostering the public welfare and education, aiding the development of our country's industries, and adding to the material prosperity and happiness of our people." Also, the Charter imposes an obligation on the Society to provide assistance to the Government in matters of national concern related to its areas of competence. The ACS Committee on Chemistry and Public Affairs was established in 1965 as a joint "policy" committee of the Board of Directors and the Council to consider policy questions in public affairs areas and also to provide guidance on public issues to the "technical" committees of the Society.

Again, I wish to express to you the interest of the American Chemical Society in ratification of the Geneva Protocol without qualification and the Society's desire for the opportunity to present its views on the subject at any forthcoming hearings on Senate Resolution 48.

Sincerely yours,



Alan C. Nixon
President

cc: Senator Edmund S. Muskie, Chairman
Subcommittee on Arms Control,
International Law and Organization
of the Senate Committee on Foreign
Relations

Senator Hubert H. Humphrey

ELLIOT L. RICHARDSON
1666 K STREET, N.W.
WASHINGTON, D.C. 20006

December 5, 1974

The Honorable J. W. Fulbright
Chairman, Committee on Foreign Relations
1215 New Senate Office Building
Washington, D.C. 20510

Dear Mr. Chairman:

I am pleased to note that the Committee has scheduled hearings on the Geneva Protocol of 1925. I should like to convey my wholehearted support for this important arms control treaty and also express, if I may, a view regarding the ongoing discussion of its scope.

The question that has held up United States ratification in recent years is whether the Protocol applies to the use in war of riot control agents and herbicides. Officers of the past two administrations have expressed the view that it does not. However, a majority of the more than one hundred states that are now parties to the Protocol have stated that they accept its prohibition of the use in war of "asphyxiating, poisonous or other gases, and of all analogous liquids, materials or devices" as including riot gas and herbicides.

It is almost a decade since a United States administration first expressed the view that riot gas and herbicides are outside the scope of the Protocol. During that time, there has been no indication that any substantial number of the parties, let alone a majority, are willing to come over to that interpretation. Thus, in preparing to ratify the Protocol, we have the choice either of perpetuating disagreement or of securing a uniform international understanding of where the line against gas warfare is to be drawn.

Considering the very limited utility of riot gas and herbicides as weapons of war, I think that our choice should be to accept the view prevailing among the parties rather than accept the risk of having no common standard. I feel reinforced in this opinion by the fact that the current Administration position, as I understand it, would interpret the Protocol as not applying to riot control agents and herbicides but would, as a matter of policy, renounce their use except in a few narrowly defined situations. These are situations, however, which in my view would not be covered by the Protocol even if it is interpreted as applying to these particular chemicals. This is because the few uses the Administration is proposing to retain are not in war or warfare, as those terms are properly construed, being instead more akin

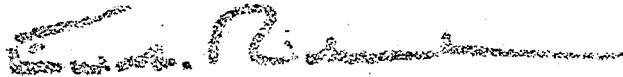
ELLIOT L. RICHARDSON
1666 K STREET, N.W.
WASHINGTON, D. C. 20006

-2-

to police measures to maintain order in areas under United States control or to rescue those out of action remote from the combat zone. The consequence therefore of the Administration's position is to leave open for other countries the use of riot gas and herbicides in war under conditions which we have renounced and to do so, moreover, on the basis of an interpretation which requires us to insist on an interpretation of the Protocol at variance with that of the prevailing view of the other parties. This seems to be the worst of both worlds. We can support the broader interpretation of the treaty while also retaining most or all of the options to use riot control agents and herbicides that are desired by the Administration.

With kindest regards,

Sincerely,

A handwritten signature in dark ink, appearing to read "E. L. Richardson", with a long horizontal flourish extending to the right.

Elliot L. Richardson



American Chemical Society

OFFICE OF THE
PRESIDENT

1155 SIXTEENTH STREET, N.W.
WASHINGTON, D.C. 20036
Phone (202) 872-4461

December 11, 1974

The Honorable J. William Fulbright
Chairman
Committee on Foreign Relations
United States Senate
Washington, D.C. 20510

Dear Senator Fulbright:

The opportunity to testify at the hearing on the 1925 Geneva Protocol and the Bacteriological Convention on December 10, 1974 is greatly appreciated. I would like now, after a chance for a little reflection, to offer some comments on the President's proposed policy, as presented by Dr. Fred C. Ikle, Director of the Arms Control and Disarmament Agency.

First, the Administration is to be commended for defining a most reasonable and generally acceptable set of circumstances under which riot control agents and herbicides would be considered for use by Armed Forces of the United States. There is little reason to quarrel with this proposed U.S. policy, although some of the language could be made clearer.

It seems of major significance to point out that virtually all of the uses of riot control agents and herbicides by U.S. Armed Forces in Vietnam would now be excluded by the proposed new U.S. policy. Thus, there is virtually no use as a military weapon which would remain open to the U.S. Forces.

One, therefore, must wonder what purpose is served by Administration resistance to removing the exclusion of riot control agents and herbicides from the Protocol, especially in view of the many serious dangers such an interpretation presents for undermining the broad purposes of the 1925 Geneva Protocol.

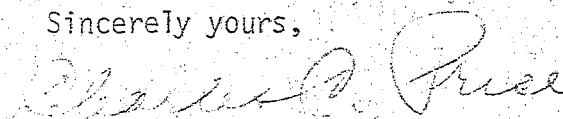
It seems evident that the issue raised by Senator Humphrey, the personal concern of the military officers who authorized use of these agents in Vietnam, may be a critical factor in the Administration's position. It seems to me that it would indeed be tragic if a concern of such fleeting significance would serve as the basis for permanently weakening a treaty of such long-term importance as the 1925 Geneva Protocol.

December 10, 1974

I would urge that the Committee on Foreign Relations take action consistent with long range United States interests and principles and recommend to the Senate that it give its advice and consent to ratification of the Geneva Protocol of 1925, without the Administration's proposed clause excluding riot control agents and herbicides. The President could then still announce his interpretation of this action in terms of the proposed policy of the United States regarding permitted uses of herbicides and of riot control agents for saving lives. Such non-weapon uses would be considered to be outside the scope of the Protocol. The Committee could, in fact, encourage the President to thus clarify this particular issue.

While the above is an expression of my personal views, I would like to emphasize that they are offered in the context of extending and reinforcing the American Chemical Society's official position of full support for immediate passage of Senate Resolution 48, and thus for ratification of the 1925 Geneva Protocol with the understanding that it covers all chemical weapons.

Sincerely yours,



Charles C. Price
Past President

cc: Members, Senate Committee
on Foreign Relations

Dr. Robert W. Cairns, Executive Director
of the American Chemical Society

HOGAN & HARTSON

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

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OF COUNSEL

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8300 GREENSBORO DRIVE

McLEAN, VIRGINIA 22102

703/848-2600

6701 ROCKLEDGE DRIVE

BETHESDA, MARYLAND 20817

301/493-0030

October 23, 1987

Professor Matthew Meselson
Biochemistry and Molecular Biology
Harvard University
7 Divinity Avenue
Cambridge, MA. 02138

Dear Professor Meselson:

I have read the account of the government's allegation about the use of Yellow Rain. In view of the government's record in other areas of disinformation, I am not surprised by this further evidence of their deceit. It is quite consistent with their reports of violations of the A.B.M. treaty.

You and your colleagues are commended for exposing this further evidence of the need for responsible leaders.

Sincerely,


J. W. Fulbright